

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARVIN LOTT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:04CV989 RWS
)	
DON ROPER, et al.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiff's "Motion to Withstand Defendants' Motion for Their Rule 56(c) Summary Judgment Motion" and "Motion for Leave Because of Special Circumstances for Court to Fax a Copy of Plaintiff's Motion to Withstand Defendants' Motion for Summary Judgment." Because defendants have not yet filed a motion for summary judgment, plaintiff's motion in opposition to summary judgment will be denied without prejudice as premature. Plaintiff should file his opposition once the motion for summary judgment has been filed. Because plaintiff now has sufficient time to make and serve copies of his opposition on defendants, I am also denying plaintiff's request that the Court do this for him.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's "Motion to Withstand Defendants' Motion for Their Rule 56(c) Summary Judgment Motion" [#48] is

denied without prejudice as prematurely filed, and plaintiff's "Motion for Leave Because of Special Circumstances for Court to Fax a Copy of Plaintiff's Motion to Withstand Defendants' Motion for Summary Judgment" [#47] is denied.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written in black ink.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 13th day of January, 2006.